

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**ELLEN YAROSHEFSKY**

Petitioner,

-against-

**GEN. JAMES N. MATTIS** in his official  
capacity as SECRETARY OF DEFENSE,  
and

**COL. VANCE H. SPATH** (AIR FORCE) in  
his official capacity as MILITARY JUDGE,  
MILITARY COMMISSIONS TRIAL  
JUDICIARY, DEPARTMENT OF  
DEFENSE,

Respondents.

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17 Civ. 08718 ( GHW )

**ORDER TO SHOW CAUSE FOR WRIT  
OF HABEAS CORPUS,  
DECLARATORY JUDGMENT, ORDER  
TO QUASH, AND TEMPORARY  
RESTRAINING ORDER**

Upon the Petition of Petitioner Ellen Yaroshefsky, sworn to the 8<sup>th</sup> day of November, 2017, and upon the Declaration of Harold K. Gordon together with exhibits thereto and the accompanying memorandum of law it is,

ORDERED, that the above named respondents show cause before the Hon.  
of this Court, Room \_\_\_\_\_, United States Courthouse, 500 Pearl Street, in the City, County  
and State of New York, on the \_\_\_\_\_ day of November, 2017, at \_\_\_\_\_ o'clock in the \_\_\_\_\_  
noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued  
granting a writ of *habeas corpus*, declaratory judgment, order to quash, and prohibiting the  
government from compelling the Petitioner Ellen Yaroshefsky to appear as a witness at the  
Military Commission at 4800 Mark Center Drive, Alexandria, Virginia on November 13, 2017,  
as per the Commission's November 6, 2017 Order (AE 389L); and it is further

ORDERED that, sufficient reason having been alleged therefor, pending the hearing of  
petitioner's application, the Respondents are hereby temporarily restrained and enjoined from  
compelling Ellen Yaroshefsky to appear as a witness at the Military Commission at 4800 Mark,

on November 13, 2017, as per the Commission's November 6, 2017 Order (AE 389L); and it is further

ORDERED that service of a copy of this order together with the Petition and the papers upon which this order is based upon the Respondents through their counsel, Robert Moscati, Deputy Chief Prosecutor, U.S. Department of Justice, Office of Chief Prosecutor, Office of Military Commissions, 1610 Defense Pentagon, Washington, D.C. 20301-1610.

[Robert.c.Moscati.civ@mail.mil](mailto:Robert.c.Moscati.civ@mail.mil) by e-mail and overnight mail, upon the U.S. Attorney for the Southern District of New York by hand delivery to the U.S. Attorney's Office, 86 Chambers Street, New York, New York 10007, by overnight delivery to Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001, by overnight delivery to General Mattis, Secretary of Defense, 1000 Defense Pentagon, Washington, DC 20301, and by email to Col. Spath at [martin.l.sims.civ@mail.mil](mailto:martin.l.sims.civ@mail.mil) on or before \_\_\_\_\_ day of November, 2017 shall be deemed good and sufficient service thereof, and it is further

ORDERED that the Respondents shall serve a response if any to this application upon the Petitioner through her counsel, Harold Gordon, Jones Day, 250 Vesey Street, New York, NY 10281, [hkgordon@jonesday.com](mailto:hkgordon@jonesday.com), by e-mail and overnight mail on or before the \_\_\_\_\_ day of November 2017; and it is further

ORDERED that Petitioner shall serve a reply in further support of this application upon Respondents through counsel, by e-mail and overnight mail on or before the \_\_\_\_\_ day of November 2017.

Dated: New York, New York  
ISSUED:

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U.S.D.J.